



To: Volunteer Citizen-Based Charter Committee

From: Cathy Standiford, Partner

Subject: Civil Service Boards and Systems

Date: October 13, 2015

The Charter Committee is considering elements that should be included in the Charter “skeleton.” On September 15 the Committee approved a preliminary recommendation that, “no departments be specifically mentioned in the Charter except as otherwise provided or delineated.” In other words, the preference is to avoid mentioning specific departments (or in some cases commissions) in the Charter unless there is a compelling reason to do so. The Committee will begin reviewing each of the departments currently referenced in the Charter to determine whether such compelling reasons exist.

In anticipation of the Committee’s discussions, Management Partners has conducted interviews with the potentially affected department directors and the city manager. An interview with the Civil Service chief examiner was conducted on Tuesday, September 15. On September 22 the Civil Service Board received an update on the Charter Committee’s progress and discussed recommendations it would like to provide to the Committee. Management Partners also met with the Board chair following the meeting. The purpose of this memorandum is to summarize the input received as well as additional information on civil service systems and boards Committee members may wish to consider in developing specific recommendations.

Interview Results

The following are common themes from input provided by the Civil Service Board, the Board chair and the chief examiner.

- There are strong feelings that references to the Civil Service Board should be included in the Charter to preserve independent authority, particularly for personnel matters involving discipline or reductions in force.
- The Board is concerned that ordinances may be changed by a majority vote of the Common Council. The Charter provides better protection against tampering with the principles and regulations of the Civil Service system by either the Common Council or the city manager.

- The Board considers its role to be serving and representing, “the heart of the community” by protecting against cronyism in hiring and promotion practices. The Board strives to ensure a, “fair and level playing field” for both the City’s employees and management/administration.
- It is important for the Board to appoint the chief examiner directly and for the chief examiner to continue to report to the Board. This ensures both the examiner and Board are able to carry out their duties independently and without undue influence. The Board expressed particular concerns about the potential for city manager influence.
- Over the last six years, the degree of collaboration between the Civil Service staff and the Human Resources (HR) Department has increased. Roles and responsibilities have been clarified to reduce redundancies, although it is acknowledged that further streamlining of the recruitment, testing, and selection process is possible.
- The Board’s most important role is to hear and decide appeals regarding employee discipline, (e.g., demotions, suspensions, withholding of pay, and termination). Without the Board there would be no fair, neutral party within the City government to ensure a fair and impartial hearing of such appeals.
- There is some willingness to transfer recruitment, testing and selection functions related to the Human Resources Department for the sake of improved efficiency and customer service. The Board and chief examiner recognize that many of their functions are often performed by an HR department. However, the authority to serve as a quasi-judicial body over disciplinary-related appeals should remain a function of the Civil Service Board.
- There is support for the wholesale replacement of the Charter as long as it contains the establishment of a Civil Service or Personnel Board to hear disciplinary matters and provide guidance on reductions in force (i.e., seniority and bumping rights).
- The new Charter should be broader and less specific using the simplest language possible.

Comparison with Peer Agencies

“Civil service” and “civil service system” are somewhat antiquated terms that pre-date the advent of collective bargaining practices. They reflect the desire to ensure government employees are appointed and promoted based on qualifications and professional merit as proven by a competitive testing process. The goal is to avoid or prevent unfair hiring practices such as cronyism or nepotism. Today, many cities use the term “personnel system” instead of “civil service system.”

Management Partners reviewed 17 peer agency charters to identify references to either civil service or personnel systems. We also looked for instances of an established civil service or personnel board and identified whether the establishment was handled in the city’s charter or municipal code. Finally, we examined the duties and powers of civil service or personnel boards of the nine agencies where they exist. The following tables summarize the results of this research. A table providing the details for each peer agency is provided as an attachment.



Table 1 shows that 11 of the 17 agencies make some reference to a civil service or personnel system in the charter. However, in two cases (Anaheim and Riverside) the provision merely states that such a system will be established by the City Council by ordinance. It shows nine agencies have a civil service or personnel board. Of these, eight are established by charter and one is established in the municipal code.

Table 1. Summary of Civil Service or Personnel System Charter References

Population	Civil Service or Personnel System Referenced in Charter	Civil Service or Personnel Board	Comments
200,000 to 299,000 (Chula Vista, Irvine, Modesto, Stockton)	3	3	Irvine's personnel system is defined and described in the City's municipal code. There is no civil service or personnel board; the Irvine assistant city manager is designated as the "personnel officer." Chula Vista, Stockton and Modesto reference a civil service system and a civil service board in their charters.
300,000 to 399,000 (Anaheim, Bakersfield, Riverside, Santa Ana)	4	2*	Anaheim and Riverside charter references authorize the City Council to establish a personnel system by ordinance. However, neither has a civil service/personnel board. Santa Ana and Bakersfield reference both a civil service system and a civil service board in their charters.
150,000 to 199,000	4	4	Glendale, Hayward, Torrance and Santa Rosa reference a civil service system in the charter. Glendale, Hayward, and Torrance charters also establish a civil service/personnel board. Santa Rosa's personnel board is established by the municipal code. There is no reference to either a civil service/personnel system or board in the charters for Lancaster, Oceanside, Palmdale, Pomona, or Salinas.
TOTAL	11	9	

Source: Peer agency charters, websites and municipal codes

*The Bakersfield charter establishes three civil service boards: one for fire, one for police and one for miscellaneous employees. They have been counted as one board in Table 1 for consistency.

Table 2 summarizes the appointment of civil service or personnel boards and any staff members designated to support the board's activities.

Table 2. Appointment of Civil Service or Personnel Boards and Staff

Population	Appointment by City Council	Staff Appointed by Board	Comments
200,000 to 299,000	3	1	Stockton's Board has independent authority to appoint the Chief Examiner.
300,000 to 399,000	2	0	Neither the Bakersfield nor Santa Ana boards have independent authority to appoint staff.



Population	Appointment by City Council	Staff Appointed by Board	Comments
150,000 to 199,000	4	1	Torrance’s Board has authority to appoint its executive officer. The Santa Rosa Personnel Board consists of five members appointed by the City Council. Of these, three are city residents and two are labor representatives selected from names submitted by the city’s employee associations.
TOTAL	9	2	

Source: Peer agency charters, websites and municipal codes

Table 2 shows that all nine civil service/personnel boards, whether established by charter or municipal code, are appointed by the City Council as a whole. Only two of these boards have the authority to appoint their own staff.

Table 3 summarizes the powers of established civil service/personnel boards. A common function of these boards is to serve as a hearing body for appeals of disciplinary actions. “Advisory powers” means the board makes recommendations to either the city council or the city manager, but cannot make the final decision. “Quasi-judicial” means the board has the independent authority to reach decisions on disciplinary matters such as demotions, suspensions and terminations. Table 3 shows a fairly even split between the number of advisory and quasi-judicial civil service/personnel boards. Three of the boards with advisory powers make recommendations to the city manager, not the City Council.

Table 3. Powers of Peer Agency Civil Service or Personnel Boards

Population	Advisory Powers	Quasi-judicial Powers	Comments
200,000 to 299,000	2	1	Chula Vista’s Board makes recommendations to the city council. The Modesto Board makes recommendations to the city manager.* Stockton’s board has independent powers comparable to the San Bernardino Civil Service Board.
300,000 to 399,000		2	Bakersfield and Santa Ana boards have independent decision authority.
150,000 to 199,000	3	1	Only Glendale’s board has independent authority. Hayward’s and Santa Rosa’s boards are advisory to the city manager. Torrance’s board is advisory to the city council.
TOTAL	5	4	

Source: Peer agency websites, charters and municipal codes

*The Modesto Board of Personnel Appeals is primarily responsible for selecting a hearing officer, not conducting hearings itself. Hearing officer findings and recommendations are made to the city manager.



Conclusion

The following conclusions can be made from the interviews and peer agency research.

- San Bernardino's Civil Service Board has a broader role in the recruitment, testing and selection process than those of comparable peer agencies. It is more common for civil service/personnel boards to function as advisory hearing bodies for employee disciplinary appeals.
- Most peer agencies make reference to a civil service or personnel system in their charter documents. In some cases the reference merely authorizes the city council to establish such a system. Older charters such as San Bernardino's tend to provide more specific details regarding the civil service requirements and processes than those for younger cities.
- Members of most civil service or personnel boards are appointed by the city council as a whole. This is in contrast to San Bernardino's Civil Service Board, which is appointed by the Mayor and confirmed by the Common Council. Most boards are comprised of residents who are selected at large. Only Santa Rosa's Personnel Board has a mix of residents and labor representatives.
- It is common for civil service or personnel boards to have the power to conduct investigations, issue subpoenas, and function as an appeals hearing body. However, the disciplinary recommendations of five of nine peer agency boards are advisory, to either the city manager or city council.
- Most civil service or personnel boards receive staff support from the Human Resources or a Personnel Department. Few have the independent authority to hire or remove their own staff.



Attachment – Civil Service Provisions by Peer Agency

Table 4 contains more specific information about civil service boards and systems for each of the 17 peer agencies.

Table 4. Summary of Peer Agency Civil Service Provisions – Charter and Municipal Code

Peer Agency	Civil Service or Personnel System Described in Charter	Civil Service or Personnel Board	Comments
Population: 200,000 to 299,000			
Chula Vista	Yes	Yes	Appointed by City Council with the power to conduct investigations, hear appeals, and recommend adoption, modification or repeal of civil service rules and regulations. (Article VI, Sections 609-610) Additional details regarding Civil Service commission provided in CVMC Chapter 2.43.
Irvine	No	No	Personnel system defined and described in city's municipal code. Assistant city manager is designated as the Personnel Officer, with many of the same duties as a Civil Service Board.
Modesto	Yes	Yes	Article XII of the Modesto Charter, "Personnel System" contains elements comparable to a civil service system such as appointments and promotions made based on merit and fitness, the establishment of eligibility lists, and the establishment of unclassified and classified service. Board of Personnel Appeals is authorized to select a hearing officer for appeals. Findings of hearing officer are made to city manager, who makes the final determination (Article XII, Section 1205). Charter also includes provisions for impartial arbitration for police and fire employee disputes (Section 1206)
Stockton	Yes	Yes	Comprehensive details of Civil Service system and Civil Service Commission found in Article XXV. Similar to San Bernardino, including chief examiner position, appointed by the Commission. Same testing, selection, hearing, and investigation powers as San Bernardino Civil Service Commission.
Population: 300,000 to 399,000			
Anaheim	Yes	No	Article X of the charter authorizes the City Council to establish a personnel system by ordinance to include elements comparable to a civil service system, but there are no details about the system. Section 1050 is a policy statement for impartial arbitration for personnel disputes involving firefighters



Peer Agency	Civil Service or Personnel System Described in Charter	Civil Service or Personnel Board	Comments
Bakersfield	Yes	Yes—3 different Civil Service Commissions	Charter Addendums 1, 2 and 3 set forth civil service provisions for fire, miscellaneous and police employees, respectively. There are three Civil Service Boards (one for each unit), appointed by City Council. All three have ultimate authority to establish regulations governing the selection, promotion and discipline of the member of each defined employee unit (i.e., not the City Council). Also serves as disciplinary appeal body.
Riverside	Yes	No	Article IX of the charter states the City Council shall establish a personnel merit system by ordinance.
Santa Ana	Yes	Yes	Article IX, Section 900 establishes a Personnel Board with appointment by the City Council. The Board has authority to hear disciplinary appeals, conduct studies and investigations, and conduct hearings on proposed amendments or repeal of civil service rules (Section 912). Article X defines the civil service system, as well as positions excepted from it.
Population: 150,000 to 199,000			
Glendale	Yes	Yes	Article XXIV establishes Civil Service system, including Commission appointed by the City Council. Duties include establishing civil service rules and policies and serving as a quasi-judicial hearing body for employee appeals.
Hayward	Yes	Yes	Article IX establishes a Personnel Board with advisory authority on personnel administration, including serving as hearing body for employee appeals and grievances (makes recommendation to city manager on such appeals). Also has authority to recommend approval of job descriptions.
Lancaster	No	No	Municipal Code Chapter 2.56 defines personnel system (with same basic characteristics as civil service system) and identifies the city manager as the personnel officer. Personnel rules and regulations are adopted, modified or repealed by City Council.
Oceanside	No	No	Personnel System (with same basic characteristics as civil service system) created by ordinance (Oceanside Municipal Code Chapter 23)
Palmdale	No	No	Nothing about personnel or civil service system in the municipal code. City manager has authority to appoint, promote, discipline, demote or remove employees.
Pomona	No	No	Personnel system (with same basic characteristics as civil service system) created by ordinance (Pomona Municipal Code Division 3). Human Resources/Risk Management director is responsible for the personnel system, its rules and enforcement



Peer Agency	Civil Service or Personnel System Described in Charter	Civil Service or Personnel Board	Comments
Salinas	No	No	Personnel system (with same characteristics as civil service system) described in Chapter 25 of the Pomona municipal code.
Santa Rosa	Yes	Yes	Personnel system to be established by City Council ordinance (Charter Section 50); charter also includes provisions for impartial and binding arbitration for police and fire employee disputes. Municipal Code Chapter 2-28 establishes Personnel Board to act as an advisory body to the city manager and serve as hearing body for employee disputes related to employment.
Torrance	Yes	Yes	Civil Service system established by Charter Article 13. Civil Service Commission established by Torrance Municipal Code Chapter 4, Article 10, with authority to conduct hearings and make recommendations to the City Council. Commission also has the authority to appoint an executive officer.
Total	11	9	

Source: Peer agency websites, charters and municipal codes

